

ESTTA Tracking number: **ESTTA670299**Filing date: **05/04/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Ford Motor Company
Granted to Date of previous extension	05/06/2015
Address	One American Road Dearborn, MI 48126 UNITED STATES
Attorney information	ELIZABETH F. JANDA BROOKS KUSHMAN PC 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075 UNITED STATES aheinl@brookskushman.com, ejanda@brookskushman.com, smgibbons@brookskushman.com Phone: 248-358-4400

Applicant Information

Application No	79104357	Publication date	01/06/2015
Opposition Filing Date	05/04/2015	Opposition Period Ends	05/06/2015
International Registration No.	0508054	International Registration Date	12/01/1986
Applicant	MERVE OPTİK SANAYİ VE TİCARET ANONİM ŞİRKETİ Senlikköy Mahallesi, Akasya Sokak No:4/1 Istanbul, TURKEY		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Spectacle frames; optical goods, namely, eye glasses, eyeglass lenses, sunglasses, lenses for sunglasses, eyeglass cases, eyeglass chains and cords

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration	1467208	Application Date	04/22/1985
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No.			
Registration Date	12/01/1987	Foreign Priority Date	NONE
Word Mark	MUSTANG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 1964/04/17 First Use In Commerce: 1964/04/17 AUTOMOBILES AND THEIR STRUCTURAL PARTS		


U.S. Registration No.	1995783	Application Date	11/15/1995
Registration Date	08/20/1996	Foreign Priority Date	NONE
Word Mark	MUSTANG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 1985/11/01 First Use In Commerce: 1985/11/01 auto parts and accessories, namely license plate frames, sunshades, sun screens, exterior insignia badges, fitted and semi-fitted covers for vehicles, vehicle seat covers, fender covers		

U.S. Registration No.	1975210	Application Date	12/09/1993
Registration Date	05/21/1996	Foreign Priority Date	NONE
Word Mark	MUSTANG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1975/01/01 First Use In Commerce: 1975/01/01 watches, [jewelry rings,] clocks, [lapel pins,] non-monetary collector coins, [tie clips and tie tacks, cuff-links, jewelry]		

U.S. Registration No.	2194488	Application Date	11/23/1994
Registration Date	10/13/1998	Foreign Priority Date	NONE
Word Mark	FORD MUSTANG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1978/11/01 First Use In Commerce: 1978/11/01 clothing, namely, shirts, sweatshirts, T-shirts, polo shirts, golf shirts, [dress shirts, sweaters, vests,] jackets, [rainwear, work coats, scarves, sleep wear, neckties,] headwear, namely, caps, hats, [sunvisors, headbands, babushkas; footwear, namely, athletic shoes, slippers, and moccasins,] all for promotional userelating to automotive vehicles		

U.S. Registration No.	2175903	Application Date	11/23/1994
Registration Date	07/28/1998	Foreign Priority Date	NONE
Word Mark	MUSTANG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1978/11/01 First Use In Commerce: 1978/11/01 clothing, namely shirts, [sweatshirts,] T-shirts, polo shirts, golf shirts, [dress shirts, sweaters, vests,] jackets, [rainwear, work coats, scarves, sleep wear, neckties;] headwear, namely caps, hats [, sunvisors, headbands, babushkas; footwear, namely athletic shoes, slippers, and moccasins] ; all for promotional use relating to automotive vehicles		

U.S. Registration No.	2190167	Application Date	11/23/1994
Registration Date	09/22/1998	Foreign Priority Date	NONE
Word Mark	FORD MUSTANG		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1978/11/01 First Use In Commerce: 1978/11/01 clothing, namely shirts, sweatshirts, T-shirts, polo shirts, golf shirts, dressshirts, sweaters, vests, jackets, rainwear, work coats, scarves, sleep wear, neckties; headwear, namely caps, hats, sunvisors, headbands, babushkas; footwear, namely athletic shoes, slippers, and moccasins; all for promotional use relating to automotive vehicles

U.S. Application No.	85850938	Application Date	02/15/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MUSTANG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Eyeglass frames, eyeglasses, sunglasses, reading glasses, eyeglass cases, computer mice, computer mouse pads, computer keyboards, mobile phones, mobile phone cases, personal media players, telephones, tablet computers, headphones		

Attachments	74602716#TMSN.png(bytes) 74602712#TMSN.png(bytes) 85850938#TMSN.png(bytes) Notice of Opposition.pdf(875174 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/elizabeth f janda/
Name	ELIZABETH F. JANDA
Date	05/04/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Trademark Application Serial No. 79/104,357

Filed: August 8, 2011

Trademark: **MUSTANG**

Published in the *Official Gazette* on January 6, 2015

FORD MOTOR COMPANY)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
MERVE OPTIK SANAYI VE)	
TICARET ANONIM SIRKETI)	
)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Filed Electronically
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Sir:

FORD MOTOR COMPANY ("FORD"), a Delaware corporation with a place of business at One American Road, Dearborn, Michigan 48126, believes that it is and will continue to be damaged by the Applicant's registration of the mark "MUSTANG" for its goods in Class 12.

As grounds for opposition, the Opposer alleges as follows:

1. The Applicant, Merve Optik Sanayi Ve Ticaret Anonim Sirketi, is seeking to register the mark "MUSTANG" as a trademark for "spectacle frames; optical goods, namely, eye glasses, eyeglass lenses, sunglasses, lenses for sunglasses, eyeglass cases, eyeglass chains and cords" in Class 9, as is evidenced by the publication of the mark in the January 6, 2015 issue of the *Official Gazette*. This application was filed on August 8, 2011.

2. The Opposer, FORD, has for many years designed, developed, manufactured, serviced, repaired, and sold automobiles and parts therefor and additional products and services under the famous mark "MUSTANG." Opposer has used and/or licensed others to use the mark "MUSTANG" on a wide variety of goods, including eyewear, clothing and watches.

3. The Opposer owns several incontestable registrations for the mark MUSTANG, including U.S. Trademark Registration Nos. 1467208, 1995783, 1975210, 2194488, 2175903 and 2190167.

4. The Opposer is the owner of U.S. Trademark Registration No. 1467208 for the mark "MUSTANG" for "Automobiles and Their Structural Parts" in Class 12. This registration issued December 1, 1987, and is incontestable, valid and subsisting, uncanceled and unrevoked.

5. The Opposer is the owner of U.S. Trademark Registration No. 1995783 for the mark "MUSTANG" for "Auto parts and accessories; namely, license plate frames, sunshades, sun screens, exterior insignia badges, fitted and semi-fitted covers for vehicles; vehicle seat covers, fender covers" in Class 12. This registration issued August 20, 1996, and is valid and subsisting, uncanceled and unrevoked.

6. The Opposer is the owner of U.S. Trademark Registration No. 1975210 for the mark "MUSTANG" for "watches, clocks, non-monetary collector coins" in Class 14. This registration issued May 21, 1996, and is incontestable, valid and subsisting, uncanceled and unrevoked.

7. The Opposer is the owner of U.S. Trademark Registration No. 2194488 for the mark "FORD MUSTANG" for "Clothing, namely shirts, sweatshirts, T-shirts, polo shirts, golf shirts, jackets; headwear, namely caps, hats; all for promotional use relating to automotive vehicles" in Class 25. This registration issued October 13, 1998, and is incontestable, valid and subsisting, uncanceled and unrevoked.

8. The Opposer is the owner of U.S. Trademark Registration No. 2175903 for the mark "MUSTANG " & Design for "clothing, namely shirts, T-shirts, polo shirts, golf shirts, jackets; headwear, namely caps, hats; all for promotional use relating to automotive vehicles" in Class 25. This registration issued July 28, 1998, and is incontestable, valid and subsisting, uncanceled and unrevoked.

9. The Opposer is the owner of U.S. Trademark Registration No. 2190167 for the mark "FORD MUSTANG " & Design for "Clothing, namely shirts, T-shirts, jackets; all for promotional use relating to automotive vehicles" in Class 25. This registration issued September 22, 1998, and is incontestable, valid and subsisting, uncanceled and unrevoked.

10. The Opposer filed Trademark Application Serial No. 85/850,938 for the mark "MUSTANG" for "Eyeglass frames, eyeglasses, sunglasses, reading glasses, eyeglass cases, computer mice, computer mouse pads, computer keyboards, mobile phones, mobile phone cases, personal media players, telephones, tablet computers, headphones" in Class 9 on February

15, 2013. The mark published in the Official Gazette on July 16, 2013, and was Allowed September 10, 2013. Ford or its licensees have used, and currently use, the mark MUSTANG in connection with eyewear, such as eyeglasses, sunglasses, eyeglass cases, and other goods since as early as June 2000.

11. The Opposer has sold many millions of dollars' worth of goods and services under the "MUSTANG" marks and has spent millions of dollars advertising and promoting the "MUSTANG" marks throughout the United States.

12. The Opposer has expended considerable effort and expense in promoting and licensing its "MUSTANG" marks, and the goods and services associated with these marks, with the result that the purchasing public has come to know and recognize these marks as products of the Opposer. The Opposer has valuable good will established in its "MUSTANG" marks.

13. By virtue of the Opposer's long use and extensive sales throughout the United States and the world, the success of the Opposer's advertising, promotional and licensing efforts, and the Opposer's ownership of several incontestable registrations, the Opposer's "MUSTANG" mark has become distinctive and famous. The "MUSTANG" mark achieved that distinctiveness and fame long prior to the filing date of the opposed application.

14. FORD's use of "MUSTANG" in connection with its goods and services was well known, and well known to the Applicant, prior to the Applicant's filing the application and /or use of "MUSTANG."

15. There is no issue as to priority. The Opposer has used the mark "MUSTANG" for over fifty years and the Opposer's registrations issued long prior to the filing date of Application Serial No. 79/104,357.

16. The mark for which the Applicant seeks registration, namely "MUSTANG" is identical to the Opposer's mark and designates the mark for similar and related goods.

17. Since the mark and goods as described in the application are substantially similar to the Opposer's mark and goods, confusion and deception as to the origin of the Applicant's goods bearing the mark would occur, all to the damage and detriment of the Opposer. Such use would cause confusion in the trade resulting in damage and injury to the Opposer.

18. The Applicant's use or registration of the mark "MUSTANG" in connection with its designated goods is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of the Applicant with the Opposer, or as to the origin, sponsorship or approval of the Applicant's goods by the Opposer.

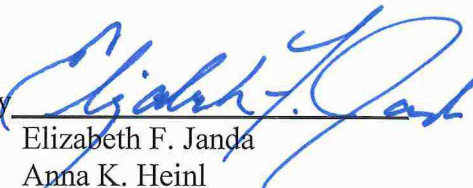
19. The Applicant's use of the "MUSTANG" mark is likely to cause, and will cause, dilution by blurring or dilution by tarnishment of the Opposer's famous "MUSTANG" marks under the Trademark Act, Section 43(c).

20. If the Applicant were granted the registration herein opposed, it would obtain at least a *prima facie* exclusive right to use of "MUSTANG" in connection with its products. Such registration would be a source of injury and damage to the Opposer.

WHEREFORE, the Opposer, FORD MOTOR COMPANY, prays that
Application Serial No. 79/104,357, for the mark "MUSTANG" be rejected, denied and refused.

The filing fee of \$300 and any additional fees as may be required under 37
C.F.R. § 2.6(a)(17), are to be charged to Ford Motor Company Account No. 06-1505.

Respectfully submitted,

By 
Elizabeth F. Janda
Anna K. Heint
Attorneys/Agents for Opposer

Date: May 4, 2015
(Filed electronically via USPTO.ETTA)

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Our File: FMCTA 29947 OC

CERTIFICATE OF SERVICE

I certify that I served:

NOTICE OF OPPOSITION

on May 4, 2015 by:

_____ delivering

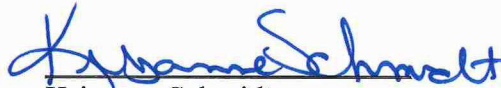
X mailing (via Courier - DHL)

a copy to Correspondent:

DESTEK PATENT ANONIM SİRKETİ
Lefkose Cad. NM OfisPark B Blok No: 36/5
Bursa,
TURKEY

and Applicant:

MERVE OPTİK SANAYİ VE TİCARET ANONİM SİRKETİ
Senlikköy Mahallesi, Akasya Sokak No:4/1
Florya, Bakırköy
İstanbul
TURKEY


Krisanne Schmidt